

REMARKS

Claims 35-67 are currently pending in the application.

Reconsideration of the patentability of the claimed subject matter is requested in view of the following discussion.

§ 103 Rejections

First Rejection

Claims 35, 37-42, 45-53, 56-64 and 67 have been finally rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,622,018 to Erekson ('*Erekson*') in view of U.S. Patent No. 6,829,478 to Layton ('*Layton*') in further view of U.S. Patent No. 6,801,787 to Page et al. ('*Page*').

In the Response to Arguments section of the Final Office Action, the Examiner states "features upon which the applicant relies (i.e., whose frequency is determined by the quartz crystal) are not recited in the rejected claims. With all due respect to the Examiner, this statement is not understood since Applicant did not assert that the claimed invention included this feature, but rather the opposite. In the previous response, Applicant argued that this feature, which describes the clock disclosed in the Page reference, is a system clock that is not equivalent to the internal clock claimed.

Independent claim 35 recites (with emphasis added) that the personal digital assistant is configured to (among other things):

(1) permit a user to directly select an external device via the device schedule menu for which operation of the external device is to be controlled in accordance with time data directly entered via the device schedule menu

and

(2) wirelessly transmit via the wireless communications device, at said first time corresponding to the time data, a control signal to cause the device to perform a first action, said first time indicated by said internal clock.

There is a clear difference between the system clock disclosed by *Page* and the claimed internal clock. The system clock of *Page* does not indicate a human-scale ('calendar') time, i.e.,

set in terms of day, hour, minutes, etc., and thus cannot indicate a “first time” for sending a control signal to an external device.

In this regard, it is submitted that the Examiner has not met the *prima facie* burden of showing that all of the claimed features have been disclosed (or suggested) by the prior art since the cited art does not teach an internal clock that tracks calendar time and which enables a control signal to be transmitted to an external device at a specific user-set calendar time. In anticipation of the response that the claims do not recite a “calendar” time, it is submitted that the specification makes clear that the time data is entered as calendar time (e.g., shown at Figure 5A and accompanying text), which the internal clock therefore tracks and indicates when a control signal is transmitted.

As neither *Page* nor the other cited references recite an internal clock that functions in the manner claimed, it is submitted that the references do not render obvious all of the features of claim 35, or its dependent claims 37-42 and 45. As independent claims 46 and 57 recite features analogous to those of claim 35 discussed above, it is also submitted that the cited references fail to render obvious the subject matter of these claims and their respective dependent claims 47-53 and 56 (dependent from claim 46) and 58-64 and 67 (dependent from claim 57).

Withdrawal of the final rejection of claims 35, 37-42, 45-53, 56-64 and 67 under 35 U.S.C. § 103(a) is accordingly respectfully requested.

Second Rejection

Claims 43, 44, 54, 55, 65 and 66 have been finally rejected under 35 U.S.C. § 103(a) as being unpatentable over *Erekson* in view of *Layton* and *Page* and in further view of U.S. Patent No. 5,657,317 to Mahany et al. (*‘Mahany’*).

As discussed previously, the *Mahany* reference does not cure the deficiencies of the of the cited references discussed above, it is submitted that the combination of *Erekson*, *Layton*, *Page* and *Mahany* similarly does not teach or suggest all of the features of the independent claims or of their respective dependent claims 43, 44, 54, 55, 65 and 66, which are therefore patentable over the references relied upon.

Withdrawal of the rejection of claims 43, 44, 54, 55, 65 and 66 under 35 U.S.C. § 103(a) is also accordingly respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly addressed. Applicants therefore respectfully request that the Examiner reconsider the outstanding rejections. The Examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

Respectfully submitted,

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